

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PSEUDOMONAS EXOTOXIN A-LIKE CHIMERIC IMMUNOGENS FOR ELICITING A SECRETORY IGA-MEDIATED IMMUNE RESPONSE** the specification of which _ is attached hereto or X was filed on January 10, 2000 as Application No. 09/462,713 and was amended on _ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
PCT	PCT/US98/14336	July 10, 1998	Yes No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/056,924	July 11, 1997

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
		Patented Pending Abandoned

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612
Steven M. Ferguson, Reg. No. 38,448
James C. Haight, Reg. No. 25,588
John P. Kim, Reg. No. 38,514

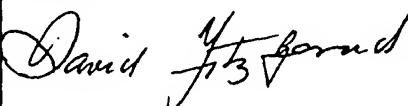
Susan S. Rucker, Reg. No. 35,762
David R. Sadowski, Reg. No. 32,808
Jack Spiegel, Reg. No. 34,477

Send Correspondence to Appointed Associate Attorney or Agent
Address:
John Storella
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisc , CA 94111-3834

Direct Telephone Calls and Facsimiles to Appointed Associate Attorney or Agent:
Name: John Storella
Reg. No. 32,944
Telephone: 415 576-0200
Fax: 415 576-0300

Full Name of Inventor 1	Last Name FITZGERALD	First Name DAVID	Middle Name or Initial J.	
Residence & Citizenship	City Rockville	State/Foreign Country Maryland	Country of Citizenship United States	
Post Office Address	Post Office Address 1202 Azalea Drive	City Rockville	State/Country MD	Zip Code 20850
Full Name of Inventor 2	Last Name MRSNY	First Name RANDALL	Middle Name or Initial J.	
Residence & Citizenship	City Redwood City	State/Foreign Country California	Country of Citizenship United States	
Post Office Address	Post Office Address 515 Buena Vista	City Redwood City	State/Country CA	Zip Code 94061

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2	
Date <u>4/18/00</u>	Date	

SF 1079626 v1

Full Name of Inventor 1	Last Name FITZGERALD	First Name DAVID	Middle Name or Initial J.	
Residence & Citizenship	City Rockville	State/Foreign Country Maryland	Country of Citizenship United States	
Post Office Address	Post Office Address 1202 Azalea Drive	City Rockville	State/Country MD	Zip Code 20850
Full Name of Inventor 2	Last Name MRSNY	First Name RANDALL	Middle Name or Initial J.	
Residence & Citizenship	City Redwood City	State/Foreign Country California	Country of Citizenship United States	
Post Office Address	Post Office Address 515 Buena Vista	City Redwood City	State/Country CA	Zip Code 94061

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2 	
Date	Date <u>4/15/2000</u>	

SF 1079626 v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FitzGerald *et al.*

Serial No.: 09/462,713

Filed: January 10, 2000

For: **PSEUDOMONAS EXOTOXIN A-LIKE CHIMERIC IMMUNOGENS FOR ELICITING A SECRETORY IGA-MEDIATED IMMUNE RESPONSE**

Assistant Commissioner for Patents
Washington, D.C. 20231

Examiner: Unknown

Art Unit: Unknown

APPOINTMENT OF ASSOCIATE ATTORNEYS AND AGENTS BY PRINCIPAL ATTORNEY OR AGENT UNDER 37 CFR §1.34(b) AND MPEP 402.02

Sir:

Under 37 CFR §1.34(b) and MPEP 402.02, the undersigned principal attorney or agent of record hereby appoints the following representatives from the law firm of TOWNSEND and TOWNSEND and CREW LLP, Two Embarcadero Center, 8th Floor, San Francisco, California 94111-3834, telephone: (415) 576-0200, as associate attorneys and/or patent agents in this application with full powers to prosecute this case and to transact all business in the Patent and Trademark Office connected therewith:

Philip H. Albert, Reg. No. 35,819
Hector A. Alieco, Reg. No. 40,891
Randolph T. Apple, Reg. No. 36,429
Scott L. Ausenhus, Reg. No. 42,271
Krishna G. Banerjee, Reg. No. 43,317
Kevin L. Bastian, Reg. No. 34,774
Guy Chambers, Reg. No. 30,617
Kathleen L. Choi, Reg. No. 43,433
Karen B. Dow, Reg. No. 29,684
James F. Hann, Reg. No. 29,719
M. Henry Heimes, Reg. No. 28,219
James M. Heslin, Reg. No. 29,541
Matthew E. Hirsch, Reg. No. Not Yet Assigned
Lorraine J. Hyman, Reg. No. 35,551
William Michael Hynes, Reg. No. 24,168
Jeffrey J. King, Reg. No. 38,515

Charlie E. Krueger, Reg. No. 30,077
Joe Liebeschuetz, Reg. No. 37,505
Jeffry S. Mann, Reg. No. 42,837
Annette S. Parent, Reg. No. 42,058
Steven W. Parmelee, Reg. No. 31,990
Brian W. Poor, Reg. No. 32,928
Timothy L. Smith, Reg. No. 35,307
William M. Smith, Reg. No. 30,223
Andrew T. Serafini, Reg. No. 41,303
Joseph R. Snyder, Reg. No. 39,381
John R. Stornella, Reg. No. 32,344
Eugenia Garrett-Wackowski, Reg. No. 37,330
Ellen Lauver Weber, Reg. No. 32,762
Kenneth A. Weber, Reg. No. 31,687
Michael E. Woods, Reg. No. 33,466

FitzGerald et al.
Serial No.: 09/462,713
Page 2

PATENT

Dated:

5/3/00

Respectfully submitted,

United States Department of Health and Human
Services

By Robert Benson

Reg. No.: 33,612

Office of Technology Transfer

National Institutes of Health

6011 Executive Boulevard, Suite 325

Rockville, Maryland 20852

Telephone: (301) 496-7056

SF 1079632 v1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
Attorney Docket No.: 015280-361100US

Assistant Commissioner for Patents

Washington, D.C. 20231

On January 9, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Sylvia Fitzgerald

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David Fitzgerald, et al.

Application No.: 09/462,713

Filed: May 12, 2000

For: PSEUDOMONAS EXOTOXIN A-
LIKE CHIMERIC IMMUNOGENS

Examiner: Winkler, U.

Art Unit: 1648

**APPOINTMENT OF ASSOCIATE
ATTORNEY UNDER 37 CFR § 1.34(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Under 37 C.F.R. §1.34(b), applicant's undersigned principal attorney of record appoints Frank J. Mycroft, Registration No. 46,946, as an associate attorney to prosecute this case and to transact all business in the Patent and Trademark Office connected therewith.

The associate attorney's address and telephone number are as follows.

Telephone Number: (925) 472-5000

Address: TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Flr.
San Francisco, CA 94111-3834

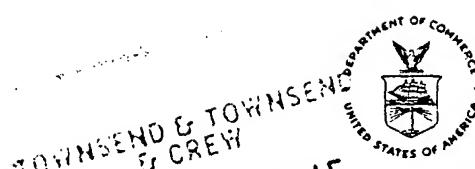
Respectfully submitted,

Eugenja Garrett Wackowski
Reg. No. 37,330

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
FJM/mmm

SF 170242 v1;WC 9036197 v1

JULY 20, 2000



PTAS
TOWNSEND AND TOWNSEND AND CREW LLP
KENNETH A. WEBER RECEIVED
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111-3834

05 JUL 27 AM 8:15

015286-361-1
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

LJHymen



101366881A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/16/2000

REEL/FRAME: 010799/0929
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
FITZGERALD, DAVID

DOC DATE: 04/18/2000

ASSIGNEE:
GOVERNMENT OF THE UNITED STATES OF
AMERICA AS REPRESENTED BY THE
SECRETARY OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES.
6011 EXECUTIVE BLVD., SUITE 325
OFFICE OF TECHNOLOGY TRANSFER
ROCKVILLE, MARYLAND 20852-3804

SERIAL NUMBER: 09462713
PATENT NUMBER:

FILING DATE: 05/12/2000
ISSUE DATE:

010799/0929 PAGE 2

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

05-24-2000

Docket No. 015280-361100US

FORM PTO-1595
(Rev. 6-93) *[Signature]*
To the Honorable Asst. Commissioner for

1. Name of conveying party(ies):

David FitzGerald

Additional name(s) of conveying parties attached? Yes
 No.

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other:

Execution Date: April 18, 2000

Name: The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services

Internal Address: Office of Technology Transfer

Street Address: 6011 Executive Blvd., Suite 325

City: Rockville State: MD ZIP: 20852-3804

Additional names and addresses attached? Yes No

4. Application Number(s) or Patent Numbers.

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 09/462,713

B. Patent No(s):

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Kenneth A. Weber
 TOWNSEND AND TOWNSEND AND CREW LLP
 Two Embarcadero Center, 8th Floor
 San Francisco, California 94111-3834
 (415) 576-0200

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): ----- \$40.00

 Enclosed Charge Fees to Deposit Account Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.

8. Deposit account number: 20-1430

05/24/2000 ASCOTT 00000247 201430 09462713

01 FC:581 40.00 CH

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.

Kenneth A. Weber
 Name of Person Signing

Atty Reg. No. 31,677

Signature

Date

Total number of pages including cover sheet, attachments and document 5

10. Change Correspondence Address to that of Part 5? Yes No

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover to:

Asst. Commissioner for Patents
 Box: Assignments
 Washington, D.C. 20231

ASSIGNMENT

SOLE

WHEREAS, I, **David FitzGerald**, an employee of the Department of Health and Human Services at the time the invention was made, have invented (title of invention): *PSEUDOMONAS EXOTOXIN A-LIKE CHIMERIC IMMUNOGENS FOR ELICITING A SECRETORY IGA-MEDIATED IMMUNE RESPONSE*, for which an application to the Assistant Commissioner for Patents for grant of Letters Patents of the United States of America has been executed by the undersigned

on (date(s) Declaration signed):

is identified as U.S. Patent Application:

Serial No. 09/462,713

Filed January 10, 2000; and

WHEREAS, the conditions under which said invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive Order 10096, to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States of America is desirous of acquiring all domestic and foreign right, title, and interest in the aforesaid invention described in the aforesaid application for Letters Patent of the United States of America; and

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the premises and other valuable considerations, I the undersigned, have sold, assigned, and transferred and by these presents do sell, assign, and transfer unto **The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services** (hereinafter THE GOVERNMENT), and his successors, the full and exclusive right, title, and interest throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file the invention described in the aforesaid application for Letters Patent of the United States of America, and all Letters Patents and Registrations which may be granted on the same in the United States of America and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

AND, I hereby authorize and request the Assistant Commissioner for Patents to issue said Letters Patent to THE GOVERNMENT as assignee of the entire right, title, and interest in and to the same throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file, for the sole use for the full term or terms for which said Letters Patent and Registrations may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof which may be granted as fully and entirely as the same would have been held by me, had this assignment not been made;

AND, I hereby warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied with respect to the aforesaid application for Letters Patent which will impair, diminish, limit, or abridge the interest herein conveyed at the time of the execution of this instrument by me;

AND, I hereby agree to execute any and all applications for Letters Patent in the United States of America and foreign countries, and to furnish and deliver to the Secretary, Department of Health and Human Services, upon request, all data and documents, and to execute any papers which may be necessary for the prosecution of any application or applications of Letters Patent or for THE GOVERNMENT to exercise its rights granted hereunder, including communicating to THE GOVERNMENT, its representatives or agents, any facts relating to said invention, including evidence for interference purposes, or for other proceedings, whenever requested, to testify in any interference or other proceedings, whenever requested, and to execute and deliver on request all lawful papers required to make any of the foregoing provisions effective, and likewise make these provisions binding upon our heirs, legal representatives, administrators and assigns, and I shall assist THE GOVERNMENT in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by THE GOVERNMENT.

The undersigned hereby grants THE GOVERNMENT or the law firm of Townsend and Townsend and Crew LLP, the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

David FitzGerald
(signature of Assignors as written above)

4/15/00
(dates)

STATE OF Maryland)
COUNTY OF Montgomery)

UNITED STATES OF AMERICA

On April 18, 2000, before me, Ann Schombert, Notary Public (here insert name and title of the officer), personally appeared David FitzGerald, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature Ann Schombert
My commission expires Oct. 1, 2001

(Seal)

SF 1079635 v1



C 5280-361-1

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

L J Hyman

JULY 20, 2000

PTAS

TOWNSEND AND TOWNSEND AND CREW LLP
KENNETH A. WEBER
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111-3834



101366882A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/12/2000

REEL/FRAME: 010799/0921
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MRSNY, RANDALL J.

DOC DATE: 04/15/2000

ASSIGNEE:

GENENTECH, INC.
460 POINT SAN BRUNO BLVD.
SOUTH SAN FRANCISCO, CALIFORNIA

94080-4990

SERIAL NUMBER: 09462713
PATENT NUMBER:

FILING DATE: 05/12/2000
ISSUE DATE:

RECEIVED
00 JUL 27 AM 8:17

TOWNSEND & TOWNSEND
AND CREW

STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

05-24-2000

Docket No. 015280-361100US

FORM PTO-1595
(Rev. 6-93)

M/S. 11

U.S. Department of Commerce
Patent and Trademark Officedocuments or copy thereof
Address of receiving party(ies)To the Honorable Asst. Commissioner for
1. Name of conveying party(ies):

Randall J. Mrsny

Additional name(s) of conveying parties attached? Yes
 No.

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other:

Execution Date: April 15, 2000

Name: Genentech, Inc.

Internal Address:

Street Address: 460 Point San Bruno Blvd.

City: South San Francisco State: CA ZIP: 94080-4990

Additional names and addresses attached? Yes No

4. Application Number(s) or Patent Numbers.

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 09/462,713

B. Patent No(s):

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Kenneth A. Weber
 TOWNSEND AND TOWNSEND AND CREW LLP
 Two Embarcadero Center, 8th Floor
 San Francisco, California 94111-3834
 (415) 576-0200

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): ----- \$40.00

 Enclosed Charge Fees to Deposit Account Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.

8. Deposit account number: 20-1430

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.

Kenneth A. Weber
 Name of Person Signing

Signature

5/12/00
 Date

Atty Reg. No. 31,677

Total number of pages including cover sheet, attachments and document 4

10. Change Correspondence Address to that of Part 5? Yes No

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover to:

Asst. Commissioner for Patents
 Box: Assignments
 Washington, D.C. 20231

ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, Randall J. Mrsny, of 515 Buena Vista, Redwood City, CA 94061, hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: *PSEUDOMONAS EXOTOXIN A-LIKE CHIMERIC IMMUNOGENS*

Filing Date: January 10, 2000

Application No.: 09/462,713; and

WHEREAS, Genentech, Inc., of 460 Point San Bruno Blvd., South San Francisco, CA, 94080-4990, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

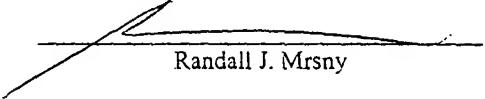
For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignment
Attorney Docket No.: 15280-361100US
Page 2

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: 4/15/2000


Randall J. Mrsny

STATE OF CALIFORNIA)
)
COUNTY OF) ss.

On _____, before me, _____, personally appeared
Randall J. Mrsny, personally known to me (or proved to me on the basis of satisfactory evidence)
to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed
the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon
behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

NOTARY PUBLIC

My Commission Expires: _____

SF 1083790 v1